

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
:
JIMMY LYONS, *et al.*, individually and on behalf
of all others similarly situated, :
:
Plaintiffs, : Case No. 13-cv-00513-ALC-HBP
:
:
- v - :
:
LITTON LOAN SERVICING LP, *et al.*, :
:
Defendants. :
----- X

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
ASSURANT DEFENDANTS' MOTION TO DISMISS COMPLAINT**

SULLIVAN & WORCESTER LLP
1633 Broadway
New York, New York 10019
Telephone: (212) 660-3069
Facsimile: (212) 660-3001

CARLTON FIELDS
JORDEN BURT
1025 Thomas Jefferson Street NW
Suite 400 East
Washington, DC 20007
Telephone: (202) 965-8100
Facsimile: (202) 965-8104

*Attorneys For Defendants Assurant,
Inc., American Security Insurance
Company, and Standard Guaranty
Insurance Company*

Pursuant to Rule 201 of the Federal Rules of Evidence, defendants American Security Insurance Company, Standard Guaranty Insurance Company, and Assurant, Inc. (“Assurant Defendants”) hereby request that, in connection with their Motion to Dismiss filed and served concurrently herewith, the Court take judicial notice of Exhibits 1-19 attached to the contemporaneously filed Declaration of Rebecca H. Voyles (“Voyles Decl.”). The Assurant Defendants offer these documents to show the following: (1) commissions and other costs are considered as part of the overall rate applications as part of the rates charged by American Security and Standard Guaranty, and/or (2) the rates used to calculate the premiums charged to plaintiffs for lender-placed insurance were filed with and approved by state regulators.

The kinds of facts that are appropriate for judicial notice are those “not subject to reasonable dispute because [they]: (1) [are] generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). Courts generally will take judicial notice of the existence of other court or administrative proceedings or publicly filed documents where the purpose is merely to establish that certain matters were stated in the documents, not for their truth. *See, e.g., Kramer v. Time Warner Inc.*, 937 F.2d 767, 774 (2d Cir. 1991); *Weizmann Inst. of Sci. v. Neschis*, 229 F. Supp. 2d 234, 240 (S.D.N.Y. 2002) (“[C]ourts routinely take judicial notice of documents filed in other courts . . . not for the truth of the matters asserted in the other litigation, but rather to establish the fact of such litigation”) (citation and internal quotation marks omitted, alteration and omission in original).

Under these authorities, the Assurant Defendants request that this Court take judicial notice of Exhibits 1-19 of the Voyles Declaration as true and correct copies of the form and premium rate files made to and approved by state regulators.

Dated: New York, New York
January 21, 2014

/s/ Andrew T. Solomon

Andrew T. Solomon
Karen E. Abravanel
SULLIVAN & WORCESTER LLP
1633 Broadway, 32nd Floor
New York, New York 10019
Telephone: (212) 660-3000
Facsimile: (212) 660-3001
asolomon@sandw.com
kabravanel@sandw.com

-and-

Franklin G. Burt (*pro hac vice*)
W. Glenn Merten (*pro hac vice*)
CARLTON FIELDS JORDEN BURT
1025 Thomas Jefferson Street, NW
Suite 400 East
Washington, DC 20007
Telephone: (202) 965-8100
Facsimile: (202) 965-8104
fburt@cfjblaw.com
gmerten@cfjblaw.com

*Attorneys For Defendants Assurant, Inc.,
American Security Insurance Company, and
Standard Guaranty Insurance Company*